

October 4, 2018

Westport Town Hall Room 307

**WESTPORT BOARD OF EDUCATION  
POLICY COMMITTEE  
NOTICE OF SPECIAL MEETING  
AGENDA**

(Agenda Subject to Modification in Accordance with Law)

**WORK SESSION:**

9:30 a.m. Westport Town Hall Room 307

**DISCUSSION:**

1. First reading and discussion of the following policies:
  - P 5113.1 Attendance, pages 1-32
  - P 1250 Visits to the School, P6159 Students Observations, pages 33-52
  - P 5144.2 Restraint, pages 53-72
  - P 5142.4 School Resource Office, pages 73-76

**ADJOURNMENT**

## Students

### Attendance/Truancy

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education, through its Superintendent, will adopt and maintain procedures to implement this policy.

Legal References: Connecticut General Statutes §10-220

Connecticut General Statutes §10-184

Connecticut General Statutes §10-186

Connecticut General Statutes §10-198a`

Public Act 11-136, An Act Concerning Minor Revisions to the Education Statutes

Guidelines for Reporting Student Attendance in the Public School Information System  
(Connecticut State Department of Education, January 2008)

Connecticut State Department of Education Circular Letter C-2, *Utilizing Local Support Resources Prior to Referral of Students for Family with Service Needs* (August 4, 2009)

**Policy adopted: October 22, 2007**

## Students

### Attendance/Truancy

#### A. Definitions:

1. "Absence" - any day during which a student is not considered "in attendance" at his/her assigned school, or on a school sponsored activity (e.g. field trip), for at least one half of the school day.
2. "Educational evaluation" - for purposes of this policy, an educational evaluation is an assessment of a student's educational development, which, based upon the student's presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
3. "Excused absence" - an absence from a regularly scheduled school day for at least one-half of the school day; which absence, as determined by the building principal or his/her designee, is for:
  - a. reasons of health, including illness, incapacity, or doctor's visits. The administration reserves the right to require physician or other appropriate certification for health-related absences.
  - b. religious holidays.
  - c. court appearance.

- d. funeral or death in the family.
  - e. approved school activities, including field trips.
  - f. suspension or expulsion.
  - g. in limited circumstances, special activities or emergencies with the consent of the parent or other person having control of the child.
4. "In Attendance" - any day during which a student not considered to be absent from his/her assigned school, or from an activity sponsored by the school (e.g. field trip), for at least one half of the school day.
  5. "Student" - a student enrolled in the Westport Public Schools
  6. "Truant" - any student **five (5) to eighteen (18)** years of age, inclusive, who has **four (4)** unexcused absences from school in any one month or **ten (10)** unexcused absences from school in any school year.
  7. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which absence is not an excused absence as defined above.

The determination of whether an absence is excused will be made by the building principal or his/her designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or his/her designee, whose decision shall be final.

#### B. Truancy Exceptions:

1. A student **five (5) or six (6) years of age** shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five (5) or six (6) years of age.
2. A student **seventeen (17) years of age** shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the district provided the parent (or person having control of the child) with information on the educational options available in the school system and community.
3. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be "truant."

#### C. Readmission to School Following Voluntary Withdrawal

1. If a student voluntarily withdraws from school (in accordance with Section B.2, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student's withdrawal from school.
2. If a student who has voluntarily withdrawn from school (in accordance with Section B.2, above) seeks readmission within ten (10) school days of his/her withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

#### D. Determinations of Whether a Student is "In Attendance":

1. A student serving an out of school suspension or expulsion shall be reported as absent unless he or she receives an alternative educational program for at least one half of the regular school day.

2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered "in attendance."

3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being "in attendance" for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate by the administration so as to ensure that the student is able to successfully return to the regular classroom setting.

#### E. Procedures for students in grades K-8

##### 1. Notification

a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K - 8 in writing of the obligations pursuant to Conn. Gen. Stat. §10-184 to assure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the Westport Public Schools.

b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-8 a telephone number or other means of contacting such parent or other person during the school day.

##### 2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal **[or his/her designee]** shall make a reasonable effort to notify the parent or other person having control of such student by telephone and by mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. **[Reasonable efforts shall include two (2) attempts to reach the parent or other person at the telephone number provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent.]** Mailed notice of the student's absence shall include a warning that

two unexcused absences from school in a month or five unexcused absences in a school year may result in a complaint filed with the Superior Court pursuant to section 46b-149 alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs. Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

#### F. Procedures applicable to students ages five (5) to eighteen (18)

##### 1. Intervention

a. When a student is truant, the building principal or his/her designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The district shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non-responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.

b. When a student is truant, the Superintendent or his/her designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The

district shall document efforts to contact and include families and to provide early intervention in truancy matters.

c. If the parent or other person having control of a student who is truant fails to attend the meeting held pursuant to subsection a., above, or otherwise fails to cooperate with the school in attempting to solve the truancy problem, the Superintendent shall file, with fifteen calendar days of such failure to attend the meeting or other failure to cooperate with the school in attempting to solve the truancy problem, for such truant a written complaint with the Superior Court pursuant to Conn. Gen. Stat. § 46b - 149 alleging the belief that the acts or omissions of the truant are such that his/her family is a family with service needs.

d. In addition to the procedures specified in subsections a through c above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team **[or other appropriate school based team]** to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team ("PPT") meeting to review the student's need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.

e. If a FWSN petition is filed and the court orders an educational evaluation of the student, the district shall conduct an appropriate educational evaluation if no such evaluation has been performed within the preceding year.

i) For a regular education student, the educational evaluation will be conducted or arranged for by appropriate school personnel and coordinated through the Child Study Team **[or other appropriate school based team]**. Upon completion of the evaluation of a regular education student, the Child Study Team **[or other appropriate school based team]** shall review the evaluations and make appropriate recommendations for alternative procedures, programs or interventions. Such recommendations may include a referral of the student for further evaluation and/or consideration for special education eligibility.

ii) In the case of a student who requires or may require special education and related services, the district shall convene a PPT to determine what evaluations may be appropriate to assess any specific areas of concern. The PPT shall reconvene to review the evaluations and make appropriate recommendations regarding the student's need for special education services and the need, if any, to write and/or revise the student's individualized education program ("IEP").

#### G. Reports to the State Regarding Truancy Data:

Annually, each local and regional board of education shall include information regarding truancy in the strategic school profile report for each school under its jurisdiction and for the school district as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the board of education to reduce truancy in the school district.

**Regulation approved: October 22, 2007**

**Series 5000  
Students**

**STUDENT ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM**

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education (the “Board”), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

**Legal References:**

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

8/12/18

**Series 5000  
Students**

**ADMINISTRATIVE REGULATIONS REGARDING  
ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM**

**I. Attendance and Truancy**

A. Definitions for Section I

1. "Absence" - any day during which a student is not considered "in attendance" at his/her assigned school, or on a school sponsored activity (e.g. field trip), for at least one half of the school day.
2. "Disciplinary absence" - Any absence as a result of school or district disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent. Such absence is not considered excused or unexcused for attendance and truancy purposes.
3. "Educational evaluation" - for purposes of this policy, an educational evaluation is an assessment of a student's educational development, which, based upon the student's presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
4. "Excused absence" - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) school days of the student's return to school, or if the child has been excluded from school in accordance with section 10-210 of the Connecticut General Statutes (regarding communicable diseases), and the following criteria are met:
  - a. Any absence before the student's tenth (10<sup>th</sup>) absence is considered excused when the student's parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.
  - b. For the student's tenth (10<sup>th</sup>) absence and all absences thereafter, a student's absences from school are, with appropriate documentation in accordance with this



regulation, considered excused only for the following reasons:

- i. student illness (verified by an appropriately licensed medical professional);
  - ii. religious holidays;
  - iii. mandated court appearances (documentation required);
  - iv. funeral or death in the family, or other emergency beyond the control of the student's family;
  - v. extraordinary educational opportunities pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this regulation;
  - vi. lack of transportation that is normally provided by a district other than the one the student attends.
- c. A student, age five (5) to eighteen (18), whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to his or her return to school.
5. "In Attendance" - Any day during which a student is present at the student's assigned school, or an activity sponsored by the school, for at least half of the regular school day.
6. "Student" - a student enrolled in the \_\_\_\_\_ Public Schools (the "District").
7. "Truant" - any student **five (5) to eighteen (18)** years of age, inclusive, who has **four (4)** unexcused absences from school in any

one month or **ten (10)** unexcused absences from school in any school year.

8. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which is not excused or considered a disciplinary absence.

The determination of whether an absence is excused will be made by the building principal or his/her designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or his/her designee, whose decision shall be final.

B. Written Documentation Requirements for Absences

1. Written documentation must be submitted for each incidence of absence within ten (10) school days of the student's return to school. Consecutive days of absence are considered one incidence of absence.
2. The first nine (9) days of absence will be excused upon receipt of a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate.
3. For the student's tenth (10<sup>th</sup>) absence, and all absences thereafter, documentation of the absence must be submitted in accordance with paragraphs 1 and 2 above, and must also include the reason for the absence and the following additional information:
  - a. student illness:
    - i. a signed note from a medical professional, who may be the school nurse, who has evaluated the student confirming the absence and giving an expected return date; or
    - ii. a signed note from school nurse who has spoken with the student's medical professional and confirmed the absence, including the date and location of the consultation.
  - b. religious holidays: none.
  - c. mandated court appearances:

- i. a police summons;
    - ii. a subpoena;
    - iii. a notice to appear;
    - iv. a signed note from a court official; or
    - v. any other official, written documentation of the legal requirement to appear in court.
  - d. funeral or death in the family, or other emergency beyond the control of the student's family: a written document explaining the nature of the emergency.
  - e. extraordinary educational opportunity pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this policy: written pre-approval from the administration, in accordance with this regulation.
  - f. lack of transportation that is normally provided by a district other than the one the student attends: none.
- 4. Neither e-mail nor text message shall serve to satisfy the requirement of written documentation. In rare and extraordinary circumstances, a building administrator may, in his/her own discretion, accept the delivery of written documentation through a scanned copy sent by e-mail.
  - 5. The District reserves the right to randomly audit written documentation received, through telephone and other methods of communication, to determine its authenticity.
  - 6. Any absence that is not documented in accordance with this regulation within ten (10) school days after the incidence of absence will be recorded as unexcused. If documentation is provided within ten (10) school days, but is incomplete, the building principal may, at his/her own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

C. Extraordinary Educational Opportunities

- 1. To qualify as an extraordinary educational opportunity, the opportunity must:

- a. be educational in nature and must have a learning objective related to the student's course work or plan of study;
  - b. be an opportunity not ordinarily available to the student;
  - c. be grade and developmentally appropriate; and
  - d. include content that is highly relevant to the student; while some opportunities will be relevant to all students, others will contain very specific content that would limit their relevance to a smaller group of students.
2. Family vacations do not qualify as extraordinary educational opportunities.
3. All requests for approval of extraordinary educational opportunities must:
  - a. be submitted to the building principal in writing prior to the opportunity, but no later than ten (10) school days prior to the opportunity except in exceptional circumstances at the discretion of the building administrator;
  - b. contain the signatures of both the parent/guardian and the student;
  - c. include an outline of the learning objective of the opportunity and include detail as to how the objective is linked to the student's coursework or plan of study; and
  - d. include additional documentation, where available, about the opportunity.
4. The building principal shall provide a response in writing and include the following:
  - a. either approval or denial of the request;
  - b. brief reason for any denial;
  - c. any requirements placed upon the student as a condition of approval;
  - d. the specific days approved as excused absences for the opportunity;

- e. the understanding that the building administrator may withdraw its approval if the opportunity is canceled or the student fails to meet the agreed-upon requirements of the approval.
- 5. All decisions of the building principal relating to extraordinary educational opportunities shall be final.
- 6. Students who are granted excusal from school to participate in extraordinary educational opportunities are expected to share their experiences with other students and/or school staff when they return.
- 7. Approval for an extraordinary educational opportunity is determined on a case-by-case basis and the analysis of individualized factors. An opportunity approved for one student may not be approved for another.

D. Truancy Exceptions:

- 1. A student **five (5) or six (6) years of age** shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five (5) or six (6) years of age.
- 2. A student **seventeen (17) years of age** shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the district provided the parent (or person having control of the child) with information on the educational options available in the school system and community.
- 3. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be "truant."

E. Readmission to School Following Voluntary Withdrawal

- 1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section D.2, above) and subsequently seeks readmission, the Board may deny school

accommodations to the student for up to ninety (90) school days from the date of the student's withdrawal from school.

2. If a student who has voluntarily withdrawn from school (in accordance with Section D.2, above) seeks readmission within ten (10) school days of his/her withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

F. Determinations of Whether a Student is "In Attendance":

1. A student serving an out of school suspension or expulsion shall be reported as absent unless he or she receives an alternative educational program for at least one half of the regular school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.
2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered "in attendance."
3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being "in attendance" for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate in accordance with applicable law.

G. Procedures for students in grades K-8\*

1. Notification
  - a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K - 8 in writing of the obligations pursuant to Conn. Gen. Stat. § 10-184 to ensure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the District.
  - b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-8 a telephone

number or other means of contacting such parent or other person during the school day.

2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal **[or his/her designee]** shall make a reasonable effort to notify the parent or other person having control of such student by telephone and by mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. **[Reasonable efforts shall include two (2) attempts to reach the parent or other person at the telephone number provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent.]** Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

***[\*Note: State law mandates notification and monitoring only with regard to students in grades K-8. Boards of Education are free, however, to extend the application of monitoring and intervention procedures to students at all grade levels.]***

H. Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

- a. When a student is truant, the building principal or his/her designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The district shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.
- b. When a student is truant, the Superintendent or his/her designee shall coordinate services with and referrals of students to community agencies providing child and family services, as

appropriate. The district shall document efforts to contact and include families and to provide early intervention in truancy matters.

- c. If the Commissioner of Education determines that any school under the jurisdiction of [ ] Board of Education (the “Board”) has a disproportionately high rate of truancy, the district shall implement in that school a truancy intervention model identified by the Department of Education pursuant to Conn. Gen. Stat. § 10-198e.
- d. In addition to the procedures specified in subsections (a) through (c) above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team **[or other appropriate school based team]** to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team (“PPT”) meeting to review the student’s need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.
- e. Where the documented implementation of the procedures specified in subsections (a) through (d) above does not result in improved outcomes despite collaboration with the parent/guardian, the Superintendent or his/her designee may, with written parental consent, refer a student who is truant to a Youth Service Bureau.

## I. Attendance Records

All attendance records developed by the Board shall include the individual student’s state-assigned student identifier (SASID).

## II. **Chronic Absenteeism**

### A. Definitions for Section II

- 1. “Chronically absent child” - a child who is enrolled in a school under the jurisdiction of the Board and whose total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year;
- 2. “Absence” - an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board



of Education pursuant to section 10-198b of the general statutes and these administrative regulations;

3. "District chronic absenteeism rate" - the total number of chronically absent children under the jurisdiction of the Board in the previous school year divided by the total number of children under the jurisdiction of the Board for such school year; and
4. "School chronic absenteeism rate" - the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

B. Establishment of Attendance Review Teams

If the Board has a district chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the school district.

If a school under the jurisdiction of the Board has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the Board has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

If the Board has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, as defined under I.A.7, and chronically absent children and their parents or guardians.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

D. State Chronic Absenteeism Prevention and Intervention Plan

The Board and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

**III. Reports to the State Regarding Truancy Data**

Annually, each local and regional board of education shall include information regarding the number of truants and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the school district as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the board of education to reduce truancy in the school district.

Legal References:

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

APPROVED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/12/18

**SAMPLE NOTIFICATION REGARDING STUDENT ATTENDANCE\***

Regular and punctual student attendance is essential to the educational process. Connecticut General Statutes Section 10-184 provides that “[e]ach parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public day school regularly during the hours and terms the public school in the district wherein such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. . . . The parent or person having control of a child seventeen years of age may consent, as provided in this section, to such child’s withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and community. The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system.”

In order to assist parents and other persons in meeting this responsibility, the \_\_\_\_\_ Board of Education monitors unexcused student absences and makes reasonable efforts to notify parents or other persons by contacting them when a student fails to report to school. State law provides that any person who, in good faith, gives or fails to give such notice shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice. The Board, therefore, must obtain a telephone number or other means of contacting parents or other persons during the school day.

Please provide the following information and return the completed form, signed and dated to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

Student's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

School/grade: \_\_\_\_\_ / \_\_\_\_\_

Parent/Guardian's Daytime Telephone Number\*: \_\_\_\_\_

Parent/Guardian's Daytime Telephone Number\*: \_\_\_\_\_

Daytime Telephone Number\* of

Other Person Having Control

of Student: \_\_\_\_\_ Relationship to Student: \_\_\_\_\_

\*If no daytime telephone number is available, please specify other means by which school personnel may contact you during the school day. \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

***[\*Note: State law mandates notification only with regard to students in grades K-8. Boards of Education are free, however, to extend the notification to parents of students at all grade levels.]***

7/26/17

**UNEXCUSED ABSENCES  
DOCUMENTATION LOG**

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ School \_\_\_\_\_

School Staff Member/ Volunteer	Student's Name	Parent or Other Person Having Control of Student	Telephone Number	Outcome*	Excused or Unexcused	Reason Absence is Excused or Unexcused
				Attempt #1 _____ Attempt #2 _____  Written Notice mailed _____		
				Attempt #1 _____ Attempt #2 _____  Written Notice mailed _____		
				Attempt #1 _____ Attempt #2 _____  Written Notice mailed _____		
				Attempt #1 _____ Attempt #2 _____  Written Notice mailed _____		
				Attempt #1 _____ Attempt #2 _____  Written Notice mailed _____		

21\* No answer = N  
Left Message = LM  
Notification made = NM  
7/26/17

[ ] **Board of Education**

Pursuant to guidelines from the Connecticut Department of Education, the [ ] Public Schools will consider certain extraordinary educational experiences to be excused absences. In order for an experience to qualify as an extraordinary educational experience, the opportunity must be educational in nature and must have a learning objective specifically related to the student's coursework or plan of study. It is important to note that not all memorable and/or life experiences are considered extraordinary educational experiences for the purpose of an excused absence. In order to qualify, the experience must be an opportunity not ordinarily available to the student. The experience must be grade and developmentally appropriate and the content of the experience must be highly relevant to the individual student. Whether an experience fits the requirements of an extraordinary educational experience for the purpose of an excused absence is a determination within the discretion of the building principal or his/her designee.

To request consideration of an experience as an extraordinary educational experience, the following form must be filled out, signed by the parent and student, and returned at least five (5) school days in advance of the date of the opportunity. Please note that approval is not assured. Approvals are awarded on a case-by- case basis and are based on a number of factors. An experience approved for one student does not guarantee that it will be approved for others.

Name of Student \_\_\_\_\_ Today's Date \_\_\_\_\_

Title of Educational Opportunity

Please describe the learning objective of the educational opportunity and how the objective is linked to the student's coursework or plan of study (you may attach additional sheets):

Date(s) of educational opportunity

Dates and total number of days of planned absence

\_\_\_\_\_

Signature of Parent \_\_\_\_\_

Signature of Student \_\_\_\_\_

\*\*\*\*\*

For Office Use Only. Received by \_\_\_\_\_ on \_\_\_\_\_. Approved? Yes/No By \_\_\_\_\_.

7/26/17



MODEL FORM

**[Board of Education/School Letterhead]**  
**SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 5 OR 6)**

Name of Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of Child: \_\_\_\_\_

Name of Parent(s): \_\_\_\_\_

Address of Parent(s) (if different from child): \_\_\_\_\_

\_\_\_\_\_

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school. Section 10-184 further provides that a parent or person having control of a child age five (5) shall have the option of not sending the child to school until age six (6), and a parent or person having control of a child age six (6) shall have the option of not sending the child to school until age seven (7). A parent or person having control of such child who is seeking to elect this option must appear in person at the school district offices and sign this option form.

I, \_\_\_\_\_, am the parent or person having control of, \_\_\_\_\_,  
Name of parent or person Name of child  
a child who is age five/six (circle appropriate age), and I elect not to send my child to school until the age of six/seven (circle appropriate age). I understand that this option is effective for only one (1) school year. By signing, I understand that, if my child is currently age five (5), and I wish to elect next school year not to send my child to school, I must reappear at the school next year to elect this option. I further understand that, if my child is currently age six (6), I am required by Section 10-184 to send my child to the public school, or demonstrate that the child is "elsewhere receiving equivalent instruction in the studies taught in the public schools," when the child turns seven (7).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

School Personnel Use Only

- ☐ Parent/person in control of child appeared in person and has been provided with information on the educational opportunities in the school system.

## Students

### Truancy

#### Introduction and Definitions

The district's policy on student truancy shall stress early prevention and inquiry leading to remediation of absences rather than imposition of punitive measures for students. Referral to legal authorities normally shall be made only when local resources are exhausted. For purposes of implementing this policy and for reporting purposes regarding truancy, the District will utilize the State Board of Education approved definitions of "excused", "unexcused" and "disciplinary" absences.

**"Truant"** shall mean a student age five to eighteen, inclusive, who has four unexcused absences in any one month, or ten unexcused absences in one school year.

**"In attendance"** shall mean a student if present at his/her assigned school, or an activity sponsored by the school (e.g., field trip), for at least half of the regular school day. A student who is serving an out-of-school suspension or expulsion should always be considered absent.

**"Chronically absent child"** is an enrolled student whose total number of absences at any time during a school year is equal to or greater than ten percent of the total number of days that such student has been enrolled at such school during such school year.

**"Absence"** means an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to CGS 10-198b.

**"District chronic absenteeism rate"** means the total number of chronically absent children in the previous school year divided by the total number of children under the jurisdiction of the Board of Education for such school year.

**"School chronic absenteeism rate"** means the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

#### Remediation of Truancy

School personnel shall seek cooperation from parents or other persons having control of such child and assist them in remedying and preventing truancy. The Superintendent of Schools shall develop regulations which will detail the following school district obligations under the district's truancy policy.

1. Notify parents annually of their obligations under the attendance policy.
2. Obtain telephone numbers for emergency record cards or other means of contacting parents or other persons having control of the child during the school day.
3. Establish a system to monitor student attendance.
4. Make a reasonable effort by telephone and by mail to notify parents or other persons having control of the child, enrolled in grades one through eight, inclusive, when a child does not arrive at school and there has been no previously approval or other indication which indicates parents are aware of the absence. (Note: Persons who in good faith give or fail to give notice pursuant to this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have immunity with respect to any judicial proceeding which results from such notice or failure to give notice.)

5. Identify a student as "truant" when the student accumulates four unexcused absences in any month or ten in a school year.
6. Identify a student as "chronically absent" when the student accumulates a total number of absences at any time during a school year that is equal to or greater than ten percent of the total number of days that such student has been enrolled at the school during the school year.
7. Appropriate school staff meet with parents of a child identified as truant or chronically absent to review and evaluate the situation, within ten days of such designation. Such meeting may involve the school or District Attendance Team.

Students so identified may be subject to:

- (a) retention in the same grade to acquire necessary skills for promotion or retention.
  - (b) a requirement to complete a summer school program successfully before being promoted to the next grade.
8. When a petition is filed, an educational evaluation of the truant student shall be done by appropriate school personnel if no such evaluation has been performed within the preceding year.
  9. Provide coordination of services and refer "truants" to community agencies which provide child and family services.
  10. If in existence, refer the child to the children's probate court truancy clinic.

The Board, on or before 8/15/18, shall implement a truancy intervention model identified by the Connecticut State Department of Education (SDE) for any school within the District that has a disproportionately high rate of truancy, as identified by the Commissioner of Education. The intervention models must also address the needs of students with disabilities. Parents or other persons having control of each child shall be notified of such truancy model. (Note: The SDE is required to identify these effective truancy intervention models by 8/15/18.)

The Board of Education, in compliance with statute, requires the establishment of attendance review teams when chronic absenteeism rates in the District or at individual schools in the District meet the following circumstances:

1. A District team must be established when the District's chronic absenteeism rate is 10 percent or higher.
2. A school team must be established when the school chronic absenteeism rate is 15 percent or higher.
3. A team for either the District or each school must be established when (a) more than one school in the District has a school chronic absenteeism rate of 15 percent or higher or (b) a District has a District chronic absenteeism rate of 10 percent or higher and one or more schools in the District have a school chronic absenteeism rate of 15 percent or higher.

The membership of attendance review teams may consist of school administrators, guidance counselors, school counselors, school social workers, teachers, chronically absent children, parents or guardians of chronically absent children, and representatives from community-based programs who address issues related to student attendance by providing programs and services to truants.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

The District shall utilize the chronic absenteeism prevention and intervention plan developed by the State Department of Education when it becomes available. Such plan must include the means for collecting and analyzing data relating to student attendance, truancy and chronic absenteeism. The data must be disaggregated by school district, school grades and subgroups such as race, ethnicity, gender, eligibility for free and reduced priced lunches, students whose primary language is not English, and students with disabilities.

The District shall annually include in information for the strategic school profile report for each school and the District that submitted to the Commissioner of Education, data pertaining to truancy and chronically absent children.

The Principal or his/her designee of any elementary or middle school located in a town/city designated as an alliance district may refer to the children's truancy clinic established by the Probate Court serving the town/city, a parent/guardian with a child defined as a truant or who is at risk of becoming a truant. (An attendance officer or a police officer shall deliver the citation and summons and a copy of the referral to the parent/guardian.)

Legal Reference: Connecticut General Statutes

10-184 Duties of parents. (as amended by PA 98-243, PA 00-157 and PA 18-15)

10-198a Policies and procedures concerning truants (as amended by PA 00-157, P.A. 11-136 and PA 16-147)

10-198b State Board of Education to define "excused absence," "unexcused absence," and "disciplinary absences"

10-198c Attendance review teams (as amended by PA 17-14)

10-198d Chronic absenteeism (as amended by PA 18-182)

10-198e Identification of truancy identification models (as amended by PA 18-182)

10-199 through 10-202 Attendance, truancy in general. (Revised, 1995, PA 95-304)

45a-8c Truancy clinic. Administration. Policies and procedures. Report. (as amended by PA 15-225)

10-220(c) Duties of boards of education (as amended by PA 15-225)

10-202e f Policy on dropout prevention and grant program.

10-221(b) Board of education to prescribe rules. *Campbell v New Milford*, 193 Conn 93 (1984).

Action taken by the State Board of Education on January 2, 2008, to define "attendance."

Action taken by the State Board of Education on June 27, 2012, to define "excused" and "unexcused" absences.

**olicy adopted:**

**R5113.2**

**tudents**

**ruancy**

## Unexcused Absences/Truancy

In accordance with Board policy regarding truancy (unexcused absences), the following regulations pertain:

**1. Twenty Absence Limit.** No student may receive course credit for a full year course after having been absent from that course more than twenty (20) class periods during the school year. These absences will be pro rated for other than full year courses and for courses meeting other than five (5) periods per week. All absences in a class will be counted except those incurred while a student participates in school sponsored activities and/or essential administrative business.

**2. Waiver of Policy.** A student who has accumulated more absences than allowed by the policy, but who feels that the situation warrants special consideration, may appeal to the administration for a waiver increasing the number of allowable absences for that particular student. At the discretion of the administration, the parent may be requested to appear at the hearing to verify the legitimacy of the appeal.

Waivers are to be applied in a systemic manner. The administrator will consider all approved absences and any extenuating circumstances and render an impartial judgment.

**3. Grade Reduction for Unapproved Absences.** Students will be warned by teachers upon the first unexcused absence from a class. For each subsequent unexcused absence from that class, the student's grade for the marking period will be reduced by five (5) points. However, in applying this policy, a student's grade may not be reduced more than 50 points in any marking period.

At the beginning of each marking period, automatic grade reductions will begin anew, although the accumulation toward the twenty maximum for the full year course is cumulative for the year.

Upon recommendation of the teacher, the principal may adjust a grade when a student's outstanding performance for the latter portion of a marking period may not otherwise be recognized appropriately because of policy grading restrictions.

**4. Student Responsibilities.** Students are responsible for regular attendance in all classes to benefit from continuity of instruction, sequential presentation of material, class interaction, and the attendant self discipline and responsibility.

It is a student responsibility to have absences approved and notify his/her teachers by presenting approval verification at the next class meeting.

### 5. Teacher Responsibilities

A. At the first confirmed unexcused absence from a class, as determined by the administration, the teacher will:

- (1) Notify the student that for each unexcused absence after this warning the student's grade will be reduced by five (5) points.
- (2) Notify the office on the designated form of the unexcused absence as soon as confirmed. The teacher or the office will in turn notify the parent of the absence and the consequences.

B. For every subsequent unapproved absence, the teacher will:

- (1) Inform the student that his/her grade for the marking period will be reduced by five (5) points.
- (2) Notify the administrator and guidance counselor involved on the designated form of the action taken.

(3) When a student has accumulated either four unexcused absences in one month or ten unexcused absence in a school year, the teacher will send the designated form to the office notifying the administrator, guidance counselor and parent of the student's attendance problem. Within ten (10) days of the last unexcused absence, the guidance counselor will contact the parent and initiate arrangements for a conference between the parent and school personnel.

(4) When a student has accumulated half the maximum allowable number of absences (excused and unexcused) in a course, the teacher will send the designated form to the office notifying the administrator, guidance counselor, and parent. The guidance counselor will contact the parent and initiate arrangements for a conference between the parent and school personnel.

All absences are to be recorded in the teacher's record book even though they may be school approved. Teachers will maintain class attendance records and submit them to the administration on the final day of school.

C. Teachers should, when practical, obtain at least one grade or mark per week for each student. Marks or grades can come from a variety of sources, e.g., homework, class participation, projects, quizzes, etc., and the sources of grades and their weights are at the teacher's discretion.

#### **6. Counselor Responsibilities. The guidance counselor will:**

A. At the first unexcused absence, arrange a conference with the student to provide counseling and make any required program adjustments.

B. When notified that the student's grade has been reduced for the second time because of unexcused absences, arrange a conference between the student and guidance counselor.

C. Arrange a meeting within ten (10) days of the fourth unexcused absence in a month or the tenth unexcused absence during the school year.

**7. Administrative Responsibilities.** Whenever a child enrolled in school, ages five (5) to eighteen (18) inclusive, unless such child has either graduated from high school or withdrawn with written parental/guardian permission at ages sixteen or seventeen fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the child's parent, (or other person having control of the child), is aware of the student's absence, a reasonable effort to notify, by telephone, the parent or such other person shall be made by school personnel or volunteers under the direction of the school Principal.

The school administration will make early concentrated efforts to prevent and remedy truancy in its beginning tages. These efforts will include

A. For the student's first unexcused absence from a course which results in grade reduction, the administrator will:

(1) Confer with the student.

(2) Inform the parent by phone and by mail.

(3) Arrange for the student to meet with his/her guidance counselor if the situation warrants.

B. For the second and third unexcused absence and for the third unapproved absence thereafter, the administrator will:

(1) Notify the parent by phone and by mail.

(2) Confer with the student.

(3) Enforce disciplinary measures or arrange for referral services as appropriate. This may include referral to the student assistance team (SAT) or other student assistance programs.

C. The school will have the appropriate staff member(s) arrange a meeting with the parent (or other person having control) of the child who is truant within ten (10) school days after the child's fourth unexcused absence in one month or tenth unexcused absence in one school year. At this meeting a designated staff shall coordinate services with and referrals of children to community agencies providing child and family services.

The Superintendent of Schools shall bring the child's case to Superior Court under the Families with Service Needs law if the parent (or other person having control fails to:)

- 1) attend the required meeting to evaluate why the child is truant, or
- 2) cooperate with the school in trying to solve the truancy problem.

E. When a student's outstanding performance for the latter portion of a marking period may not fully be acknowledged because of the grading restrictions of this policy and upon teacher recommendation, the principal may review the circumstances and adjust the student's grade.

F. At the beginning of each new school year, any student who has had twenty or more unexcused absences will be identified as an "at risk student" and monitored by appropriate staff. A letter will be sent to parents, and the attendance officer and school social worker will meet with the student to discuss the importance of regular attendance.

#### **8. Method of Reporting. Four basic forms will be utilized to implement this policy:**

- A. Excused Absence Form - for students to verify an excused absence upon confirmation.
- B. Unexcused Absence Notice - for teachers to inform the office of each unexcused absence.
- C. Midpoint Warning Notice - for teachers, this four part form notifies the office when students reach half the maximum specified number of absences.
- D. Final Notice - completed by teacher when student reaches 20 absences in a full year course or 10 absences in a semester course.

#### **9. Truancy Intervention Model**

The District, on or before 8/15/18, will implement a truancy intervention model, identified by the State Department of Education (SDE) for any school within the District that has a disproportionately high rate of truancy, as determined by the Commissioner of Education. (Parents shall be notified of such intervention model.) Such models shall also address the needs of students with disabilities.

#### **Chronic Absenteeism**

An attendance review team shall be established when chronic absenteeism rates in the District or at individual schools in the District meet the following circumstances:

1. A District team must be established when the district chronic absenteeism rate is 10 percent or higher;
2. A school team must be established when the school's chronic absenteeism rate is 15 percent or higher.
3. A team for either the district or each school must be established when (a) more than one District school has a school chronic absenteeism rate of 15 percent or higher or (b) the District's chronic absenteeism rate is

10 percent or higher and one or more District schools have a school chronic absenteeism rate of 15 percent or higher.

The membership of attendance review teams may consist of school administrators, guidance counselors, school social workers, teachers, chronically absent children, parents or guardians of chronically absent children, and representatives from community-based programs who address issues related to student attendance by providing programs and services to truants.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

The District shall utilize the chronic absenteeism prevention and intervention plan developed by the State Department of Education when it becomes available. Such plan must include the means for collecting and analyzing data relating to student attendance, truancy and chronic absenteeism. The data must be disaggregated by school district, school grades and subgroups such as race, ethnicity, gender, eligibility for free and reduced priced lunches, students whose primary language is not English, and students with disabilities.

The District will include in information for the strategic school profile report for each school and the District that is submitted to the Commissioner of Education, data pertaining to truancy and chronically absent children.

#### **For Alliance Districts:**

The principal or his/her designee of any elementary or middle school district may refer to the children's truancy clinic established by the Probate Court serving the town/city, a parent/guardian with a child defined as a truant or who is at risk of becoming a truant. (An attendance officer or a police officer shall deliver the citation and summons and a copy of the referral to the parent/guardian.)

#### **Tardiness to School or Class**

Continued tardiness by a student is a serious problem. Students are expected to be in their places, ready for work, at the bell.

Legal Reference: Connecticut General Statutes

10-184 Duties of parents.

10-198a Policies and procedures concerning truants. (Revised by PA 95-304 and PA 00-157, PA 11-136 and PA 16-147)

10-198b State Board of Education to define "excused absence," "unexcused absence," and "disciplinary absences"

10-198c Attendance review teams (as amended by PA 17-14)

10-198d Chronic absenteeism (as amended by PA 18-182)

10-198e Identification of truancy identification models (as amended by PA 18-182)

10-199 through 10-202 Attendance, truancy in general.

10-202e-f Policy on dropout prevention and grant program.

10-22(c) Duties of boards of education (as amended by PA 15-225)



45a-8c Truancy clinic. Administration. Policies and procedures. Report. (as amended by PA 15-225)

46b-149 Family with Service Needs.

Campbell v New Milford, 193 Conn 93 (1984)

Action taken by the State Board of Education on January 2, 2008, to define "attendance."

Action taken by the State Board of Education on June 27, 2012, to define "excused" and "unexcused" absences.

**Regulation approved:**

# WESTPORT BOARD OF EDUCATION

SERIES [X]

P [#]

## CLASSROOM OBSERVATIONS

The Westport Board of Education encourages parents to participate in their children's education. The Board also takes seriously its obligation to educate students in an environment conducive to learning, and recognizes the importance of maintaining a learning environment that is free from distractions and disruptions. In order to balance its obligation to operate and maintain a safe school environment that promotes learning, with the importance of meaningful parental participation, the Board permits parents to observe their children in the classroom in accordance with this policy.

For purposes of this policy, the term "observer" means either a parent or guardian, or an evaluator who has been asked to observe a specific student at a parent or guardian's request. A parent or guardian's (and therefore evaluator's) right to observe extends only to his/her child.

All requests for observations shall be made to the principal of the building. The parent shall inform the principal of the reason for the observation, the classroom or settings being requested to be observed, and who the observer will be. The school principal or his/her designee will work with the observer to schedule a mutually convenient date and time for the observation. All observations shall be limited to one half hour. If the observer has a legitimate reason for needing additional observation time, such request shall be made in advance, and the building principal shall have the discretion to grant such request. If for any reason the building principal denies or limits the request for the observation, he/she shall provide an explanation for the reason for the denial or limitation and shall seek alternate ways to provide to the parent the information being sought by the observation.

In order to avoid disruption of the classroom environment, the number of people observing a student at any one time shall be limited to two persons. In addition, a school staff person will accompany the observer(s) at all times during the course of the observation. The observer(s) shall report to the main office and sign in upon arrival, and wait in the main office for the staff person who will accompany the observer. The observer(s) shall comply with all building sign-in and identification requirements.

The Board expects that observers will be respectful of the instruction that is occurring in the classroom. Observers must turn off all cellphones, sit quietly, and not engage the students or staff in conversation. No audio or video recording or photos are permitted. Observers will be required to sign and comply with a confidentiality agreement prior to the observation. If at any

point, the observation becomes disruptive to the educational process, the school staff may end the observation. Once the observation has concluded, the observer(s) shall sign out in the main office and leave school grounds, unless she/he has other legitimate business at the school.

An observer should not expect to conference with the student's teacher before, during or after the observation, as the teacher has responsibilities for a classroom full of students. Instead, the parent or guardian may make a separate appointment to meet with the teacher at another time.

Legal Reference: C.G.S. § 10-220

## Community Relations

### Visits to the Schools

The school system recognizes the need to balance an open and welcoming atmosphere with the need to assure safety, stability and continuity and to safeguard against disruption of the educational process. The Principal has the authority to make decisions about all visitors to schools and classes, using the following guidelines.

#### Adults who are not Parents of Resident Students

The district's Community Information Office at the Board of Education office in Town Hall has extensive written material about the system, posts information on the website, [www.westport.k12.ct.us](http://www.westport.k12.ct.us), and provides staff to meet briefly with potential residents to answer general questions. School administrators and time should not be occupied responding to non-parent adult visitors or potential students, except under rare and carefully controlled circumstances. Consequently:

1. We do not provide tours of schools or meetings with Principals for parents of potential residents or their children.
2. Guidance counselors and other staff members are fully occupied with professional responsibilities and cannot meet to describe the Westport program or to discuss specific programs for students who are not yet Westport residents.
3. Because of the need for security at all of our schools, we do not encourage visitors to enter the school or walk around after school hours.

#### Parents of Current Students and Resident Pre-Schoolers

We orient parents to the curriculum and program through many means, including curriculum and course description materials, PTA meetings, special programs, regular written communications from the school system and Back to School Nights at every school. Special meetings are held for parents of entering kindergarteners and at transition points from elementary to middle school and middle to high school. Under special circumstances, when the Principal believes there is a valid reason for the request, parents may visit a class. Some examples of valid reasons might be: A PPT has recommended the observation, or parent consent is required for placement in a pilot or trial program.).

1. Under these circumstances, the Principal will make decisions about which *specific* class section or *teacher* is to be visited. A visit will be permitted only when the Principal judges that it will not be disruptive to the educational process. A permitted visit is to be no more than 15 minutes duration in any one class. A parent will be permitted a maximum of two visits, and no class is to be visited more than once by the same adult.
2. Such observations will be by appointment only. Parents visiting classes are to be accompanied by an administrator or staff member designated by the Principal. Parents may not film, photograph, audiotape or videotape classes they observe or individual students.
3. Parents are not permitted to observe different teachers in the same program in order to "*choose*" a teacher, as class and teacher assignments are made by the Principal, in consultation with the counselor and other professional staff.
4. Parents needing more information about a curriculum or program are encouraged to seek the data through conferences with teachers, counselors, Principals and other professionals.

5. Parents of pre-schoolers are oriented to kindergarten through special programs which include meeting the kindergarten teachers. Because of the large volume of requests we receive and the disruptive effect on the classroom, they may *NOT* visit kindergarten classes in session.
6. Parents may also make appointments to discuss their own child's progress, program and any concerns they may have with the teacher, the guidance counselor or the Principal. However, we discourage parents from visiting their own child's class. (This provision does not preclude parents' volunteering in their child's class or attending a special program by invitation of the teacher.)

## **Students**

***Employees' children*** may not accompany their parents to work except under rare or unusual circumstances, by special *prior* arrangement with the Principal.

***Friends or Relatives of Current Students and other Westport Resident or Potential Residents:*** No student visitors will be allowed in any school while school is in session. Students visiting Westport for short periods of time may not sit in on classes with friends or relatives.

***Resident Children Enrolled in Private Schools:*** We do not provide tours during school hours or permit visits to classes for children who are considering enrolling in the public schools. However, parents who are Westport residents may make an appointment with their district elementary or middle school to discuss their child's needs to help in their decision-making. High school-age students may meet with a Staples guidance counselor to discuss potential programs.

**Regulation approved: April 28, 1998**

**Regulation modified: February 25, 2003**

**Regulation modified: March 17, 2005**

**Series 1000  
Community/Board Operation**

**POLICY REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS**

The \_\_\_\_\_ Board of Education (the “Board”) encourages visits by citizens, taxpayers, and parents to all school buildings. In order to promote a safe and productive educational environment for all students and staff, the Board requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building. The Board, through the administration, reserves the right to limit visits in accordance with administrative regulations.

The Board further desires to work collaboratively with parents with an educational nexus with the district, its educational programs or the student being observed, to observe their students in their current classrooms or observe proposed educational placements in the Board’s schools. The Board, through the administration, reserves the right to limit observations of current and proposed educational placements in accordance with administrative regulations and the Board’s Guidelines for Independent Educational Evaluations.

Upon arrival, all visitors and observers must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors’ reception area of the school office, prominently displaying visitors’ badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors/observers have authorized access, and complying with directives of school officials at all times.

**Legal References:**

“Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations,” Connecticut State Department of Education (Mar. 28, 2018).

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

8/12/18

---

**Series 1000  
Community/Board Operation**

**ADMINISTRATIVE REGULATIONS  
REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS**

1. Any person wishing to visit a school building, and/or observe any student program, must obtain prior approval from the building Principal or responsible administrator of the respective school building or program.
2. A visitor to any school building or program must be able to articulate a legitimate reason for his/her proposed visit and/or observation. Where the visitation involves direct contact with district students, or observation of an identified student or student program, the visitor must have a sufficient educational nexus with the district, its educational programs or the student to support such request.
3. All visits must be reasonable in length and conducted in a manner designed to minimize disruption to the district's educational programs.
4. When a parent/guardian makes a request to observe an identified student or student program, the request will be reviewed with the student's parent/guardian to determine the purpose of the observation, specific questions being addressed, the location(s) of the observation, and the date, time and length of the observation.
5. When determining whether to approve a request to visit and/or observe individual students or student programs, the building Principal or responsible administrator shall consider the following factors:
  - a. the frequency of visits;
  - b. the duration of the visit;
  - c. the number of visitors involved;
  - d. the effect of the visit on a particular class or activity;
  - e. the age of the students;
  - f. the nature of the class or program;

- g. the potential for disclosure of confidential personally identifiable student information;
  - h. whether the visitor/observer has a legitimate educational interest in visiting the school;
  - i. whether the visitor/observer has professional ethical obligations not to disclose any personally identifiable student information;
  - j. any safety risk to students and school staff; and
  - k. compliance with the Board's Guidelines for Independent Educational Evaluations, if applicable.
6. The building Principal or responsible administrator has the discretion to limit, or refuse, requests for visits and/or observations of student programs in light of the above criteria. When a requested observation is refused, the building Principal or responsible administrator will provide the parent/guardian with the reason for the decision and will work to develop alternative ways for the parent/guardian to obtain the information the parent/guardian seeks.
  7. If a building Principal or responsible administrator approves a request to visit a school building and/or observe a student program, arrangements must be made in advance to ensure that the visit will not disrupt educational programs. The length and scope of any visit shall be determined by the building Principal or responsible administrator in accordance with these regulations and accompanying Board policy. The building Principal or responsible administrator shall determine a reasonable amount of time for observations of individual students or student programs.
  8. Upon arrival, all visitors must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors' reception area of the school office, prominently displaying visitors' badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors have authorized access, and complying with directives of school officials at all times.
  9. The district has an obligation to maintain the confidentiality of personally identifiable student information. All visitors and observers must restrict their visits and observations to the purpose identified in the request to visit or observe and are strictly prohibited from observing or collecting information on other students within the school. If the visitor/observer views, accesses or otherwise obtains personally identifiable student information concerning another student, the visitor/observer must notify the building Principal or responsible administrator as soon as possible.



10. A refusal to comply with any of the Board's policy provisions and/or regulations concerning visitors shall constitute grounds for denial of the visitor's privileges, as determined appropriate by the building Principal or designee. Such refusal may also result in a referral to law enforcement personnel, as determined appropriate by the building Principal or designee.

Legal References:

"Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations," Connecticut State Department of Education (Mar. 28, 2018).

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

8/12/18

## Community Relations

### School Visitors

The Board of Education and staff of the school district welcome and strongly encourage members of the community and other interested persons to visit the schools. Such visits shall be regarded as expressions of interest in school affairs and/or efforts to become informed about school programs and activities.

The Superintendent shall establish regulations which:

1. Encourage school visitations.
2. Provide for appropriate hospitality for visitors.
3. Channel expressions of approval and constructive criticism to the Board of Education.
4. Ensure that public visits will not hinder the educational program.
5. Require all visitors to register in the principal's office upon arrival at the school.
6. Ensure student safety.

Visits to individual classrooms during instructional time shall be permitted only with the Principal's and teacher's approval. Such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment. When a visit involves a conference with a teacher or the Principal, an appointment should be scheduled during non-instructional time.

Since continuity in classrooms is often difficult to achieve and maintain, while visiting in a classroom, a visitor must not interrupt the class in any way, nor speak to (unless invited to do so) or disturb the students or teacher.

Although Board of Education members are encouraged to visit schools independently, they have authority only in regularly called meetings of the Board of Education, or when delegated specific tasks by specific Board of Education action.

Optional: The Superintendent, working with building administrators, shall develop and implement procedures regarding campus visitors who are identified as sex offenders. These procedures shall address (1) parental rights; (2) escort by District personnel; (3) access to common areas of the campus; (4) access to classrooms; (5) drop off and release of students; (6) eligibility to serve as volunteers; and (7) any other relevant issues.

The Principal or his/her designee shall have complete authority to exclude from the school premises any persons whom he/she has reason to believe are disrupting the educational programs in the classroom or in the school, are disturbing the teachers or students on the premises, or whom the Principal believes are on the premises for the purposes of committing an illegal act.

*no other version to consider:*

The Board and staff of the school district welcomes and encourage parents or guardians, members of the community, and other interested persons to visit the schools. To preserve the security of the schools, all visitors must check in at the main office where they shall be given whatever information or assistance is required. All visitors are required to wear school-provided identification badges for the duration of their visit.

*no other version to consider:*

The Board of Education encourages visits by citizens, residents, and parents to all school buildings. In order to promote a safe and productive educational environment for all students and staff, the Board of Education requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building. The Board of Education, through the administration, reserves the right to limit visits in accordance with administrative regulations.

Upon arrival, all visitors must comply with any applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors' reception area of the school office, prominently displaying visitors' badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors have authorized access, and complying with directives of school officials at all times.

Legal Reference: Connecticut General Statutes

53a-185 Loitering in or about school grounds: Class C misdemeanor

Policy adopted:

## Instruction

### Individualized Education Program/Special Education Program

Any child, whether a student of the school district, of pre-school age, or between the ages of three and 21 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a "special education planning and placement team" (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

A parent of a child, the State Department of Education, other state agencies available to District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Initial evaluations using a variety of assessment tools and measures to gather relevant functional, developmental, and academic information, must be completed within 60 days of the receipt of parental consent, or per a timeline determined by the State. Exceptions to this timeframe include children moving between school districts and parental refusal to make a child available for evaluation, as provided by law. Assessments for disabled children who are transfer students shall be coordinated between the sending or receiving district in an expeditious manner.

The District will provide parents/guardians with State Department of Education information and resources relating to IEPs as soon as a child is identified as requiring special education.

### Planning and Placement Team or Individualized Education Program Team

The term ♦individualized education program team♦ or ♦IEP Team♦ means a group of individuals composed of -

- (i) the parents of a child with a disability
- (ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- (iv) a representative of the local educational agency who -
  - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general education curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (vii) the school paraprofessional, if any, assigned to such child, and
- (viii) whenever appropriate, the child with a disability.

NOTE: An IEP Team member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the IEP Team prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

The parent/guardian or surrogate parent shall be given at least five (5) school days prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed or revised. In addition parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised. In addition, the parent/guardian/surrogate shall have advisors and the child's assigned paraprofessional, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised.

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets. The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.

**(a) General.** The IEP for each child must include -

(1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, state assessments and classroom-based observations, including -

(i) How the child's disability affects the child's involvement and progress in the general education curriculum; or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to -

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;

- (ii) Meeting each of the child's other educational needs that result from the child's disability; and
- (iii) Providing a meaningful opportunity for the child to meet challenging objectives.

### ***Alternate Assessments***

(iii) A statement of benchmarks or short-term objectives is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The IEP/PPT Team may only recommend appropriate accommodation or use of alternate assessment, but may not exempt students with disabilities from the state assessment.

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child -

- (i) To advance appropriately toward attaining the annual goals;
- (ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
- (iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph;

(4) A school must offer an IEP that is reasonable calculated to enable a child to make progress appropriate in light of the child's circumstances. The child's educational program must be appropriately ambitious in light of his/her circumstances and every child should have the chance to meet challenging objectives. The IEP Team, in determining whether an IEP is reasonably calculated to enable a child to make progress should consider the child's:

- Previous rate or academic growth,
- Progress towards achieving or exceeding grade-level proficiency,
- Behaviors, if any, interfering with the child's progress, and Parent's input and any additional information provided by such parents.

The U.S. Supreme Court, in the Endrew F decision stated, "any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.Ct. at 99)

- (5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;
- (6) (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
- (7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(8) A statement of -

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of -

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year

(9) Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and District agree that it is unnecessary.

NOTE: In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and maybe progress in, the general education curriculum (the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide, and not replace the individualized decision-making required in the IEP process.)

**(b) Transition services.**

(1) The IEP must include -

(i) For each student beginning not later than the first IEP to be in effect when the child is sixteen, and younger if appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

(ii) For each student beginning not later than the first IEP to be in effect when the child is sixteen, (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the student, including courses of study, needed to assist the child in reaching these goals:

(iii) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.

(2) If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.

**(c) Transfer of rights.** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title if any, that will transfer to the student on reaching the age of majority, consistent with §615(m)

**(d) Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained §612(a)(5)A.

**(e) Students with disabilities identified as deaf or hearing impaired.** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan which shall address;

- (i) the child's primary language or mode of communication;
- (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
- (iii) educational options available to the child;
- (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
- (v) the accessibility of academic instruction, school services and extracurricular activities to the child;
- (vi) Assistive devices and services for the child; and
- (vii) Communication and physical environment accommodations for the child.

### **Transfers**

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one. If the transfer involves districts within Connecticut, the District will provide services comparable to those described in the previously held IEP, until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services comparable to those described in the previously held IEP, until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

### **Independent Educational Assessment**

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.

Legal Reference: Connecticut General Statutes

10-76a Definitions

10-76b State supervision of special education programs and services. Regulations. (as amended by PA 12-173)

10-76d Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Section 277)

10-76ff Procedures for determining if a child requires special education

10-76g State aid for special education.

10-76h Special education hearing and review procedure.



PA 12-173 An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education

State Board of Education Regulations

34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.

300.14 Special education definitions.

300.340-349 Individualized education programs.

300.503 Independent educational assessment.

300.533 Placement procedures.

300.550-556 Least restrictive environment.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

Rowley v. Board of Education, 485 U.S.-176 (1982)

Endrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)

A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)

Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)

**Policy adopted:**

Notice

**NOTICE TO PARENTS UPON INITIAL REFERRAL IN COMPLIANCE WITH PUBLIC ACT 12-173 -  
INFORMATION ABOUT MEETING; EVALUATIONS; AND IEPs**

*[Under Conn. Gen. Stat. §10-76d, upon request by a parent/guardian, school districts must provide an opportunity for the parent/guardian to meet with a member of the PPT prior to the referral PPT to discuss the PPT process. Parents/guardians may also request that copies of assessments and evaluations be provided to them at least three (3) days before the initial eligibility PPT meeting. Upon finding a student eligible for special education, and at each PPT for the student, school districts are also required to provide parents/guardians with information and resources relating to IEPs created by the State Department of Education. To comply with these requirements, we recommend sending this notice to parents along with the initial notice of referral. Districts should also document at the PPT whether: 1) the parent requested a pre-PPT meeting and if this meeting was held; 2) the parent requested and received evaluations prior the eligibility PPT; and 3) the district provided the information regarding IEPs. We have developed a second notice which can be provided to parents at subsequent PPTs to comply with additional requirements under state law.]*

**Board of Education/School Letterhead]**

Dear [PARENT/GUARDIAN/SURROGATE PARENT]:

Your child, [NAME], has been referred to a planning and placement team (◆PPT◆) for consideration of eligibility for special education services. Attached please find the referral form and invitation for a PPT meeting to discuss the referral. If you are unable to attend this meeting at this time/date, please contact my office to reschedule as soon as possible.

Please know that, under Connecticut law, you have the right to request a meeting with a member of the PPT designated by the school district prior to the actual referral PPT in order to discuss the PPT process and/or any concerns that you might have regarding your child. If you would like to schedule a meeting for this purpose, please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER CONTACT]** at **TEL #]**. To ensure that we are able to schedule this meeting at a time that is mutually convenient, if you plan to request a meeting prior to the PPT, we kindly ask that you contact us as soon as possible.

In addition, at the initial referral PPT meeting, the team may discuss whether formal evaluations and/or assessments may be needed to determine your child's eligibility for special education. Should the team recommend initial evaluations/assessments, the school district will convene another PPT meeting to review the results of those evaluations/assessments. Under state law, you have the right to request that the school district provide you with the results of these initial assessments and evaluations at least three (3) school days before the PPT meeting at which these evaluations will be discussed for the first time. Therefore, in the event the PPT recommends formal evaluations/assessments, please notify **[PUPIL PERSONNEL OFFICE]** and/or the PPT team if you would like to receive the results of any such evaluations/assessments prior the follow up PPT.

Finally, Connecticut law also requires that school districts provide parents of students found eligible for special education and related services with information and resources, created by the Connecticut State Department of Education (the ◆Department◆), relating to individualized education programs (◆IEPs◆). Although your child has not yet been determined eligible for special education, the following list of links to information and resources may be helpful in understanding special education and the PPT process. If you are unable to access these websites, or require a hardcopy of either ◆A Parent's Guide to Special Education in Connecticut◆ or the ◆IEP Manual and Forms,◆ please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER APPROPRIATE CONTACT]** at **[TEL #]** to request a copy at the upcoming PPT meeting.

- Bureau of Special Education Resources, <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730>
- A Parent's Guide to Special Education in Connecticut,  
[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents\\_Guide\\_SE.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents_Guide_SE.pdf)
- IEP Manual and Forms (Third Revision October 2010),  
<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/IEPManual.pdf>
- A Tool to Assist PPTs in Addressing the Unique Communication Needs of Students Who are Deaf or Hard of Hearing, Language and Communication Plan,  
[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language\\_Communication\\_Plan.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language_Communication_Plan.pdf)
- Secondary Transition (Including Building a Bridge: A Transition Manual for Students),  
<http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322676>
- Helpful CT Resources for Families,  
[http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources\\_Families.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources_Families.pdf)

If you have any questions, you may contact my office. Thank you.

Sincerely,

[APPROPRIATE SPECIAL EDUCATION ADMINISTRATOR]

9/2015

## Notice

**NOTICE OF PARENT RIGHTS AND INFORMATION RELATED TO SPECIAL EDUCATION**

*[Conn. Gen. Stat. §10-76d was recently amended by Public Act 15-209 and Section 277 of Special Session Public Act 15-5 to expand the scope of a school district's obligation to provide notice to parents of children found eligible for special education of certain rights and other information related to special education. This notice must be provided immediately upon the formal identification of any child requiring special education and at each planning and placement team meeting for the child. To comply with this revised law, we recommend that this notice be provided 1) at the initial eligibility PPT if the student is found eligible for special education; and 2) at each subsequent PPT. While the law provides that the notice must be provided at each PPT, we believe that providing the notice with an invitation to subsequent PPTs will satisfy the intent of the law, which is to give parents ample notice of their rights, which now includes the right to have their child's paraprofessional at the PPT. If the notice is provided prior to the PPT, the team should document that it was sent to the parent in advance of the meeting. Likewise, if the notice is provided at the PPT, the IEP should document that notice was provided at the meeting. If the parent/guardian/surrogate does not attend the PPT, the notice should be mailed with the IEP.]*

**Board of Education/School Letterhead]**

**NOTICE OF PARENT RIGHTS**

State law (Section 10-76d(a)(8) of the Connecticut General Statutes) requires that upon the formal identification of a child as a student requiring special education, and at each planning and placement (PPT) meeting for such child, school districts must provide notice to the parents/guardians/surrogate parent of certain rights and other information/resources related to their child's special education program. In compliance with this law, please be informed of the following:

1. Information about the laws relating to special education and your rights under such laws is available through the Connecticut State Department of Education's website at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730#Legal>. The Procedural Safeguards in Special Education developed by the State Department of Education are also available online at: <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Prosaf.pdf>.
2. You have the right to have an advisor of your own choosing and at your own expense be present at and to participate in all portions of the PPT meeting at which an educational program for your child is developed, reviewed or revised. If you plan to bring an advisor to a PPT, the district kindly requests that you notify the district at least five (5) school days prior to the PPT of who you plan to bring to the meeting and what his/her role will be (e.g. advocate, friend, relative, attorney etc.)
3. You have the right to have the school paraprofessional assigned to your child, if any, be present at and to participate in all portions of the PPT meeting in which an educational program for your child is developed, reviewed or revised. A request to have your child's paraprofessional attend the PPT must be made at least five (5) school days in advance of the PPT meeting.
4. If your child is of kindergarten age, you have the right under Section 10-184 of the Connecticut General Statutes not to enroll your child in kindergarten. Specifically, Section 10-184 of the Connecticut General Statutes states: The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of

age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system. ♦ Preschool-age children with an individualized education program (IEP) are already enrolled in the public school and are receiving a free appropriate public education (FAPE). Therefore, five and/or six year old children with an IEP whose parents exercise their option of not enrolling their child in kindergarten at their public school, will not be eligible to continue to receive special education and related services because the child is no longer enrolled in a public school.

5. Connecticut law requires that districts provide parents/guardians/surrogate parents with information and resources, created by the Connecticut State Department of Education, relating to IEPs, including information relating to transition resources and services for high school students. The following list of information and resources may be helpful in understanding special education and the PPT process.

- Bureau of Special Education Resources, <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730>
- A Parent ♦s Guide to Special Education in Connecticut, [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents\\_Guide\\_SE.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents_Guide_SE.pdf)
- IEP Manual and Forms (Third Revision October 2010), <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/IEPManual.pdf>
- A Tool to Assist PPTs in Addressing the Unique Communication Needs of Students Who are Deaf or Hard of Hearing, Language and Communication Plan, [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language\\_Communication\\_Plan.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language_Communication_Plan.pdf)
- Secondary Transition (Including Building a Bridge: A Transition Manual for Students), <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322676>
- Helpful CT Resources for Families, [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources\\_Families.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources_Families.pdf)

If you have any questions about the above information, or if you are unable to access any of the websites listed above and/or require a hardcopy of the Procedural Safeguards in Special Education, A Parent ♦s Guide to Special Education in Connecticut or the IEP Manual and Forms, please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER APPROPRIATE CONTACT]** at **[TEL #]**.

---

**5000 Series  
Students**

**PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS AND USE OF  
EXCLUSIONARY TIME OUT**

The Board of Education seeks to foster a safe and positive learning environment for all students. Board of Education employees will restrict the use of physical restraint and seclusion of students to emergency situations, in accordance with this policy and accompanying administrative regulations and applicable law. Physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual. The Board also regulates the use of exclusionary time out in accordance with this Policy and accompanying regulations and applicable law.

The Board of Education authorizes the Superintendent or his/her designee to develop and implement Administrative Regulations in accordance with this Policy and applicable law. The Board of Education mandates compliance with this Policy and the associated Administrative Regulations at all times. Violations of this Policy and/or associated Administrative Regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220. Under no circumstances shall employees or individuals under the supervision of the Board use corporal punishment with students or physically manage students for purposes of discipline.

**Legal References:**

Public Act 18-51, An Act Implementing the Recommendations of the Department of  
Education  
Conn. Gen. Stat. § 10-76b  
Conn. Gen. Stat. § 10-76d  
Conn. Gen. Stat. § 10-236b  
Conn. Gen. Stat. §§ 53a-18 to 53a-22  
Reg. Conn. State Agencies. §§ 10-76b-5 to 10-76b-11

**Other References:**

Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion, Connecticut State Department of Education (July 2018).

Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut State Department of Education (Revised, July 2018).

APPROVED:

REVISED:

7/26/18

**5000 Series  
Students**

**ADMINISTRATIVE REGULATIONS CONCERNING  
PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS AND USE OF  
EXCLUSIONARY TIME OUT**

The [ ] Public Schools (the “District”) seeks to foster a safe and positive learning environment for all students. District employees will restrict the use of physical restraint and seclusion of students to emergency situations, in accordance with these administrative regulations and the associated policy and applicable law. Physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual. District employees will restrict the use of exclusionary time out with students to those instances permitted by applicable law, as described in these administrative regulations and applicable law.

The following sets forth the procedures for compliance with the relevant state law and regulations concerning the physical restraint and seclusion of, and use of exclusionary time out with, students in the District. The Superintendent mandates compliance with these regulations at all times. Violations of these regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the responsibility of the District to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220.

**I. Definitions:**

- A. Exclusionary Time Out: A temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student’s behavior.
- B. Life Threatening Physical Restraint: Any physical restraint or hold of a person that (1) restricts the flow of air into a person’s lungs, whether by chest compression or any other means, or (2) immobilizes or reduces the free movement of a person’s arms, legs or head while the person is in the prone position.



- C. Psychopharmacological Agent: Any medication that affects the central nervous system, influencing thinking, emotion or behavior;
- D. Physical Restraint: Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. The term does not include: (1) Briefly holding a person in order to calm or comfort the person; (2) restraint involving the minimum contact necessary to safely escort a person from one area to another; (3) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a person from injuries due to a fall; (5) helmets, mitts and similar devices used to prevent self-injury when the device is (i) part of a documented treatment plan or an Individualized Education Program ("IEP"); or (ii) prescribed or recommended by a medical professional, as defined in section 38a-976 of the Connecticut General Statutes, and is the least restrictive means available to prevent such injury; or (6) an exclusionary time out.
- E. School Employee: (1) Any individual employed by the [ ] Public Schools who is a teacher, substitute teacher, administrator, superintendent, guidance counselor, psychologist, social worker, nurse, physician, paraprofessional, coach; and (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the [ ] Public Schools pursuant to a contract with the [ ] Public Schools.
- F. Seclusion: The confinement of a person in a room from which the student is physically prevented from leaving. Seclusion does not include the following: (i) an exclusionary time out; or (ii) any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension.
- G. Student: a child who is
1. Enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education;
  2. Receiving special education and related services in an institution or facility operating under a contract with a local or regional board of education pursuant to subsection (d) of section 10-76d of the Connecticut General Statutes;
  3. Enrolled in a program or school administered by a regional education service center established pursuant to section 10-66a of the Connecticut General Statutes; OR

4. Receiving special education and related services from an approved private special education program.

## II. Life-Threatening Physical Restraint

- A. No school employee shall under any circumstance use a life-threatening physical restraint on a student.
- B. Nothing in this section shall be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under sections 53a-18 to 53a-22, inclusive, of the Connecticut General Statutes.

## III. Procedures for Physical Restraint and Seclusion of Students

- A. No school employee shall use physical restraint or seclusion on a student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the student or to others.
- B. Seclusion shall not be used as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act.
- C. No school employee shall use physical restraint or seclusion on a student unless the school employee has received training in accordance with state law and/or the District's trainings plans as described in Section X below, upon implementation thereof.
- D. Physical restraint and seclusion of a student shall never be used as a disciplinary measure or as a convenience.
- E. School employees must explore ALL less restrictive alternatives prior to using physical restraint or seclusion for a student.
- F. School employees must comply with all regulations promulgated by the Connecticut State Department of Education in their use of physical restraint and seclusion with a student.
- G. Monitoring
  1. Physical restraint: A school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by either:
    - a. direct observation of the student; or

- b. observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.
- 2. Seclusion: A school employee must frequently monitor any student who is placed in seclusion. The monitoring must be conducted by either:
  - a. direct observation of the student; or
  - b. observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

G. Length

- 1. Any period of physical restraint or seclusion:
  - a. shall be limited to that time necessary to allow the student to compose him or herself and return to the educational environment; and
  - b. shall not exceed fifteen (15) minutes, except as provided below.
- 2. If any instance of physical restraint or seclusion of a student used as an emergency intervention exceeds fifteen (15) minutes, one of the following individuals, who have received training in the use of physical restraint or seclusion, will determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others:
  - a. an administrator, or such administrator's designee;
  - b. a school health or mental health personnel; or
  - c. a board certified behavior analyst.
- 3. The individual identified under subsection 2 (a-c) shall make a new determination every thirty (30) minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

- H. A school employee must regularly evaluate the student being physically restrained or secluded for signs of physical distress. The school employee must record each evaluation in the educational record of the person being physically restrained or secluded.

IV. Seclusion Room Requirements

Seclusion can happen in any location, although a district may designate an area or room for this purpose. Regardless of location, any room used for seclusion must:

- A. be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;
- B. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;
- C. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;
- D. be free of any object that poses a danger to the student who is being placed in the seclusion room;
- E. conform to applicable building code requirements.

If the door or doors to a room used for seclusion are to be locked, latched or otherwise secured, a modification from the State Fire Marshal's office shall be secured prior to the installation of a locking mechanism. If a door locking mechanism is used, the student shall be constantly monitored notwithstanding any other provisions of the Connecticut General Statutes or Regulations to the contrary. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible but in no case longer than within two minutes of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An "emergency," for purposes of this subsection, includes but is not limited to the following:

- 1. the need to provide direct and immediate medical attention to the student;
  - 2. fire;
  - 3. the need to remove the student to a safe location during a building lockdown; or
  - 4. other critical situations that may require immediate removal of the student from seclusion to a safe location.
- F. have an unbreakable observation window or fixture located in a wall or door, which allows the student a clear line of sight beyond the area of seclusion, to permit frequent visual monitoring of the student and any school employee in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a student.

V. Use of Psychopharmacologic Agent

- A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, except:
  - 1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or
  - 2. as an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders.
- B. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- C. Any administration of a psychopharmacologic agent must ONLY be done in accordance with applicable federal and state law and the Board of Education's Administration of Medication Policy.

VI. Procedures for Exclusionary Time Out

- A. No school employee may use exclusionary time out as a form of discipline for a student.
- B. At least one school employee must remain with the student, or be immediately available to the student such that the student and the employee are able to communicate verbally, throughout the exclusionary time out.
- C. The space used for an exclusionary time out must be clean, safe, sanitary and appropriate for the purpose of calming the student or deescalating the student's behavior.
- D. The exclusionary time period must end as soon as possible.
- E. Consistent with subsection D above, the exclusionary time out period may vary depending on the student's chronological and developmental age, individual needs and behavior.

VII. Required Meetings

- A. Students not eligible for special education (and not being evaluated for eligibility for special education)

1. In the event that physical restraint or seclusion is used on a student **four (4) or more times within twenty (20) school days**, a team composed of an administrator, one or more of the student's teachers, a parent or guardian of the student, and, if any, a school mental health professional, shall convene to:
    - a. conduct or revise a behavioral assessment of the student;
    - b. create or revise any applicable behavior intervention plan; and
    - c. determine whether such student may require a referral for consideration for special education pursuant to federal and state law.
  2. The requirement to convene this meeting shall not supersede the District's obligation to refer a student to a planning and placement team ("PPT") as may be required in accordance with federal and state law.
- B. Students eligible for special education (and students being evaluated for eligibility for special education)
1. In the event that physical restraint or seclusion is used on a student **four (4) or more times within twenty (20) school days**, the student's PPT shall convene to:
    - a. conduct or revise a functional behavioral assessment ("FBA");
    - b. create or revise any applicable behavior intervention plan ("BIP"), including but not limited to, such student's individualized education program ("IEP"); and
    - c. review or revise the student's IEP, as appropriate.
  2. In the event that the exclusionary time out process is unsuccessful in addressing a student's problematic behavior, the student's PPT shall convene as soon as practicable to determine alternative interventions or strategies to address the student's behavior.
- C. A District and/or school administrator(s) shall determine the school employee(s) responsible for reviewing the number of occurrences of the use of physical restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of physical restraint or seclusion in a twenty (20) day period.

#### VIII. Crisis Intervention Team

- A. Each school year, each school in the District must identify a crisis intervention team consisting of any teacher, administrator, school paraprofessional or other school employee designated by the school principal (in coordination with other appropriate administrators), and who has direct contact with students.
- B. Members of crisis intervention teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or others.
- C. The District shall maintain a list of the members of the crisis intervention team for each school.

#### IX. Documentation and Communication

- A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a school employee must complete the form provided by the [ ] Public Schools for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the student who was physically restrained or secluded. The information documented on the form must include the following:
  - 1. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
  - 2. a detailed description of the nature of the restraint or seclusion;
  - 3. the duration of the restraint or seclusion;
  - 4. the effect of the restraint or seclusion on the student's established behavioral support or educational plan; AND
  - 5. whether the seclusion of a student was conducted pursuant to an IEP.
- B. A school employee must notify the parent or guardian of a student of each incident that the student is physically restrained or secluded.
  - 1. A school employee must make a reasonable attempt to immediately notify a parent or guardian after a student is initially placed in physical restraint or seclusion; in all circumstances, a school employee shall notify the parent or guardian within twenty-four (24) hours after a student is initially placed in physical restraint or seclusion.

2. Notification must be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.
  3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed incident report of such action no later than two (2) business days after the use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
  4. The Director of Special Education **[or other responsible administrator]** shall determine what school employees shall be permitted to ensure that required parent/guardian notifications are made.
- C. The Director of Special Education **[or other responsible administrator]**, or his or her designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Department of Education relating to physical restraint and seclusion.
1. The Director of Special Education **[or other responsible administrator]**, or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the student's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.
  2. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the student's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the student's IEP.
- D. The Director of Special Education **[or other responsible administrator]**, or his or her designee, must be notified of the following:
1. each use of physical restraint or seclusion on a student;
  2. the nature of the emergency that necessitated its use;
  3. whether the seclusion of a student was conducted pursuant to an IEP;
- AND



3. if the physical restraint or seclusion resulted in physical injury to the student.

X. Responsibilities of the Director of Special Education **[or other responsible administrator]**

- A. The Director of Special Education **[or other responsible administrator]**, or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion, and whether instances of seclusion were conducted pursuant to IEPs.
- B. The Director of Special Education **[or other responsible administrator]**, or his or her designee, must report to the Connecticut State Department of Education within two (2) business days any instance of physical restraint or seclusion that resulted in physical injury (serious and non-serious) to the student.

XI. Professional Development Plan and Training

- A. The District shall provide training regarding the physical restraint and seclusion of students to the members of the crisis intervention team for each school in the District identified in Section VIII, above. The District may provide such training to any teacher, administrator, school paraprofessional or other school employee, designated by the school principal and who has direct contact with students. The District shall provide such training annually and the training shall include, but not be limited to:
  1. Beginning with the school year commencing July 1, 2017, an annual overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. Such overview shall be provided by the Department of Education in a manner and form as prescribed by the Commissioner of Education.
  2. The creation of a plan to provide training regarding the prevention of incidents requiring physical restraint or seclusion of students. This plan shall be implemented not later than July 1, 2018.
  3. The creation of a plan to provide training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
    - a. verbal defusing or de-escalation;
    - b. prevention strategies;
    - c. various types of physical restraint;

- d. the differences between life-threatening physical restraint and other varying levels of physical restraint;
- e. the differences between permissible physical restraint and pain compliance techniques;
- f. monitoring methods to prevent harm to a student who is physically restrained or in seclusion; and
- g. recording and reporting procedures on the use of physical restraint and seclusion.

This plan shall be implemented not later than July 1, 2018.

- B. Each member of a crisis intervention team must be recertified in the use of physical restraint and seclusion pursuant to Section XI.A.3, above, on an annual basis.

## XII. Review and Revision of Policies, Regulations and Procedures

- A. The District shall make available policies and procedures regarding the physical restraint and seclusion of students and the use of exclusionary time out on the District's Internet web site and procedures manual.
- B. The District shall update any policies, regulations and/or procedures regarding the physical restraint and seclusion of students and the use of exclusionary time out within sixty (60) days after the State Department of Education's adoption or revision of regulations regarding the same. Any and all such updates shall be made available in accordance with subsection A of this section.

### Legal References:

Public Act 18-51, An Act Implementing the Recommendations of the Department of Education  
 Conn. Gen. Stat. § 10-76b  
 Conn. Gen. Stat. § 10-76d  
 Conn. Gen. Stat. § 10-236b  
 Conn. Gen. Stat. §§ 53a-18 to 53a-22  
 Conn. Agencies Reg. §§ 10-76b-5 to 10-76b-11

### Other References:

Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion,  
Connecticut State Department of Education (July 2018).

Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut  
State Department of Education (Revised, July 2018).

7/26/18

## Students

### Use of Physical Force

#### Physical Restraint/Seclusion

The Board of Education (Board) believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint or place a student in seclusion as an emergency intervention to protect a student from harming himself/herself or to protect others from harm. (*Alternative language: "to use reasonable restraint or place a student in seclusion to provide a safe environment for students."*)

#### Definitions

**Life-threatening physical restraint** means any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.

**Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

**Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; or helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury.

**School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.

**Seclusion** means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that prevents the student from leaving. Seclusion does not include any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.

**Student** means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional Board of Education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving

educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

### **Conditions Pertaining to the Use of Physical Restraint and/or Seclusion**

A. School employees shall not use a life-threatening physical restraint on a student under any circumstance.

B. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

C. No student shall be placed in seclusion unless:

a. The use of seclusion is as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

b. Such student is continually monitored by a school employee during the period of such student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student's educational record. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.

c. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.

D. School employees may not use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.

E. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:

a. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:

i. Conducting or revising a behavioral assessment of the student;

ii. Creating or revising any applicable behavioral intervention plan; and

iii. Determining whether such student may require special education.

b. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.

F. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four hours after the student is placed in physical restraint or seclusion. A reasonable effort shall be made to provide such notification immediately after such physical restraint or seclusion is initiated.

G. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received training on the proper means for performing such physical restraint or seclusion.

H. Beginning July 1, 2016, the Board of Education, and each institution or facility operating under contract with the Board to provide special education for children, including any approved private special education program, shall:

- a. Record each instance of the use of physical restraint or seclusion on a student;
- b. Specify whether the use of seclusion was in accordance with an individualized education program;
- c. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
- d. Include such information in an annual compilation on its use of such restraint and seclusion on students.

I. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.

J. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:

- a. The nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise; and
- b. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.

K. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

### **Required Training and Prevention Training Plan**

Training shall be provided by the Board to the members of the crisis intervention team for each school in the district. The Board may provide such training to any teacher, administrator, school professional or other school employee, designated by the school principal and who has direct contact with students regarding physical restraint and seclusion of students. Such training shall be provided during the school year commencing July 1, 2017 and each school year thereafter, and shall include, but not be limited to:

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. (Such overview is to be provided by the Department of Education commencing July 1, 2017 and annually thereafter, in a manner and form as prescribed by the Commissioner of Education.)
2. The creation of a plan by which the Board will provide training regarding the prevention of incidents requiring physical restraint or seclusion of students.

Such plan is to be implemented not later than July 1, 2018.

the proper means of physical restraint or seclusion of a student, including, but not limited to:

- a. Verbal defusing and de-escalation;
- b. Prevention strategies;
- c. Various types of physical restraint and seclusion;
- d. The differences between life-threatening physical restraint and other varying levels of physical restraint;
- e. The differences between permissible physical restraint and pain compliance techniques; and
- f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student.
- g. Recording and reporting procedures on the use of physical restraint and seclusion.

### **Crisis Intervention Teams**

For the school year commencing July 1, 2017 and each school year thereafter, the Board requires each school in the District to identify a crisis intervention team. Such team shall consist of any teacher, administrator, school professional or other school employee designated by the school principal and who has direct contact with student and trained in the use of physical restraint and seclusion.

Such teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis. The Board shall maintain a list of the members of the crisis intervention team for each student.

### **Dissemination of Policy**

This policy and its procedures shall be made available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

(cf. 4148/4248 - Employee Protection)

(cf. 5141.23 - Students with Special Health Care Needs)

Legal Reference: Connecticut General Statutes

10-76b State supervision of special education programs and services.

10-76d Duties and powers of boards of education to provide special education programs and services.

10-236b Physical restraint and seclusion of students by school employees. (as amended by PA 17-220)

46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)

46a-152 Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by PA 12-88)

53a-18 Use of reasonable physical force or deadly physical force generally.

53a-19 Use of physical force in defense of person.

53a-20 Use of physical force in defense of premises.

53a-21 Use of physical force in defense of property.

PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

PA 15-141 An Act Concerning Seclusion and Restraint in Schools.

State Board of Education Regulations Sections 10-76b-5 through 10-76b-11.

**Policy adopted:**





## Students

## Safety

### School Resource Officer

In order to make schools more orderly, safer and secure, the district will may employ police officers to deliver security services as school resources officers (SROs).

The utilization of school resource officers in district schools is to accomplish the following goals:

- To provide a safe learning environment and help reduce school violence.
- To improve school/law enforcement collaboration.
- To improve perceptions and relations among students, staff and law enforcement officials.
- To collaborate with designated members of the school and District staff and with local law enforcement, fire service, public safety and emergency management agencies, and parents/guardians in the development of school safety/crisis plans.

### Alternative language:

It is understood and agreed that the Board of Education and the Police Department officials share the following goals and objectives with regard to the School Resource Officer (SRO) Program in the schools:

1. To foster educational programs and activities that will increase student's knowledge of and respect for the law and the function of law enforcement agencies;
2. To encourage SROs to attend extra-curricular activities held at schools, when possible;
3. To act swiftly and cooperatively when responding to major disruptions and flagrant criminal offenses at school, such as: disorderly conduct by trespassers, the possession and/or use of weapons on campus, the sale and/or distribution of controlled substances, and riots;
4. To report serious crimes that occur on campus and to cooperate with the law enforcement officials in their investigation of crimes that occur at school; and
5. To cooperate with law enforcement officials in their investigations of criminal offenses which occur off campus.
6. To be involved in the development of District and school safety/crisis plans.

Duties include, but are not limited to:

1. The observation and reporting of any unlawful act;
2. The prevention of theft or misappropriation of any item of value;
3. The control of access to premises being protected;
4. The maintenance of order and safety at public activities;

5. Protection of district property, students, staff and persons and property on or about district property or while attending district-sponsored activities.

**Optional Language:**

6. Investigating and documenting specific incidents;
7. Assistance in identifying, intervening and communicating with at-risk students;
8. Provision of crime prevention education;
9. Promotion of a positive student attitude towards law enforcement;
10. Operating as a liaison between the community and the District.

The Superintendent of Schools will develop administrative regulations as necessary to implement this policy.

**Alternative language:**

The Board will work in cooperation with the law enforcement agency/police department in the placement of school resource officers in its high/middle/elementary schools. The objectives and qualifications of resource officers will be determined by the police department and shall be subject to approval by the Board.

The Board shall enter into a Memorandum of Understanding (MOU) with the local police department that defines the officer's role and responsibilities. The MOU must address daily interactions among students, school personnel, and police officers, and must include a graduated response model for student discipline.

(cf. 5114 - Suspension/Expulsion; Student Due Process)

(cf. 5131 - Student Conduct)

(cf. 5131.2 - Assault)

(cf. 5131.21 - Terrorist Acts/Threats)

(cf. 5131.4 - School Grounds Disturbances)

(cf. 5131.41 - In-School Disturbances)

(cf. 5131.5 - Vandalism)

(cf. 5131.6 - Drugs, Tobacco, Alcohol)

(cf. 5131.61 - Inhalant Abuse)

(cf. 5131.612 - Surrender of Physical Evidenced Obtained from Students)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5131.8 - Off School Grounds Misconduct)

(cf. 5131.9 - Gang Activity or Association)

(cf. 5141.6 - Crisis Management)

(cf. 5142 - Safety)

(cf. 5144 - Use of Physical Force)

(cf. 5145.11 - Questioning and Apprehension)

(cf. 5145.12 - Search and Seizure)

(cf. 5145.121 - Vehicle Searches on School Grounds)

Legal Reference: Connecticut General Statutes

4-176e through 4-180a. Contested Cases. Notice. Record.

10-220 Duties of boards of education.

10-233a through 10-233f. Suspension, removal and expulsion of students, as amended by PA 95-304, PA 96-244, and PA 98-139.

53a-3 Definitions.

53a-217b Possession of Firearms and Deadly Weapons on School Grounds.

PA 15-168 An Act Concerning Collaboration Between Boards of Education and School Resource Officers and the Collection and Reporting of Data on School-Based Arrests

PA 94-221 An Act Concerning School Discipline and Safety.

GOALS 2000: Educate America Act, Pub. L. 103-227.

18 U.S.C. 921 Definitions.

Title III - Amendments to the Individuals with Disabilities Education Act.

Sec. 314 (Local Control Over Violence)

Elementary and Secondary Act of 1965 as amended by the Gun Free Schools Act of 1994.

P.L. 105-17 The Individuals with Disabilities Act, Amendment of 1997.

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education.

**Policy adopted:**

